

ULSTER TOWN BOARD MEETING
AUGUST 19, 2010 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:00 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILWOMAN CRIS HENDRICK
TOWN COUNCILMAN JOHN MORROW – Absent
SUPERVISOR JAMES QUIGLEY 3rd

Public Comments

There were no public comments.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Councilman Brink motioned to accept the minutes of July 1, 2010, July 15, 2010 and July 27, 2010
2nd by Councilman Kitchen
Four Ayes – Councilman Morrow was absent

COMMUNICATION

Town Clerk Cosenza reported that he had received an application from Mrs. Short for a mobile home outside of a mobile home, to be located on 6 Cederwood Dr.

Supervisor Quigley reported that the County performed a “Safety Net” costs audit and the town had underpaid \$27,940.00 in 2009. This amount was not budgeted.

ABSTRACT OF CLAIMS

Councilman Brink motioned to approve the following:

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	801-825	\$13,745.73
ULSTER WATER	801-810A	9,251.36
HALCYON PK. WATER	801	292.64
SPRING LAKE WATER	801-804	351.57
BRIGHT ACRES WATER	801	439.47
GLENERIE WATER	801-802	61.80
WHITTIER SEWER	801-802	582.41
ULSTER SEWER	801-805	20,946.90
WASHINGTON AVE. SEWER	801	25.36
SPECIAL LIGHT	801-806	3,756.40
ALL OTHERS		
GENERAL	801-8192	151,610.99

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HIGHWAY	801-852	64,328.02
ULSTER WATER	801-827	283,594.33
HALCYON PK. WATER	801-802	50.00
SPRING LAKE WATER	801-802	50.00
BRIGHT ACRES WATER	801-804	162.32
CHERRY HILL WATER	801-802	50.00
GLENERIE WATER	801-802	50.00
EAST KINGSTON WATER	801-802	50.00
WHITTIER SEWER	801-807	1,039.78
ULSTER SEWER	801-841	114,270.04
WASHINGTON AVE. SEWER	801	1,715.77
INSURANCE (ALL FUNDS)	801-821	127,221.95
CAPITAL PROJECTS		
TRUST & AGENCY	801-807	8,612.50
DRAINAGE PROJECTS	801-807	50,607.78
SENIOR CENTER CAP. PROJ.	801-813	25,868.02
	TOTAL	\$878,735.14

2nd by Councilman Kitchen
Four Ayes – Councilman Morrow was absent

Councilman Kitchen moved to approve the following August 19, 2010 budget modifications as submitted (see attached at end).

2nd by Councilwoman Hendrick
Four Ayes – Councilman Morrow was absent

Issue a proclamation declaring September 19th to September 25th, 2010 as Child Passenger Safety Week in the Town of Ulster

Councilwoman Hendrick motioned to accept the Town Supervisor's proclamation:

CHILD PASSENGER SAFETY WEEK, 2010
A PROCLAMATION

Children are our country's most precious resource. As parents and caregivers, it is our responsibility to keep America's children safe. Every year, thousands of children are tragically injured or killed in motor vehicle traffic crashes. For children age 3 and older, it is the leading cause of death. It is hard to overstate the toll this takes on families. Together we can put an end to this.

Today, all 50 States, the District of Columbia, and our Territories have laws requiring the use of child safety seats and seat belts for children traveling in motor vehicles. These laws were enacted because of the tremendous safety benefits they provide. We know that child safety seats help save lives and reduce injuries. We also know that they are most effective when installed and used correctly. Sadly, nearly 3 out of 4 child safety seats are not used properly. Starting now, working together, we must join forces to prevent these deaths and injuries.

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That is why the Town of Ulster is committed to working closely with our partners and safety advocates to help reduce the number of young lives lost on our roadways. Our goal is to educate parents and caregivers on how to properly install and use child safety seats. During Child Passenger Safety Week, there will be hundreds of free child safety seat inspection stations set up across the country. I encourage all parents and caregivers to take advantage of this service and ensure that their children are getting the very best protection. To locate an inspection station in your area, please go to www.nhtsa.gov.

NOW, THEREFORE, I, Supervisor James E. Quigley 3rd, do hereby proclaim September 19 through September 25, 2010, as Child Passenger Safety Week and September 25, 2010, as National Seat Check Saturday. I urge everyone to help reduce injuries and the tragic loss of life by buckling up themselves and every child on every trip, every time.

2nd by Councilman Kitchen
Four Ayes – Councilman Morrow was absent

Motion to authorize Frank Petramale to sign agreement for Janitorial Services on behalf of the Town of Ulster for the Highway Building Complex

Councilman Brink moved to authorize Frank Petramale to sign agreement for Janitorial Services on behalf of the Town of Ulster for the Highway Building Complex
2nd by Councilman Kitchen
Four Ayes – Councilman Morrow was absent

Motion to Authorize the Supervisor to sign License Agreement with Johnson Route 28, LLC and Johnson Automotive Management, LLC to allow the construction of a temporary water line connecting the Cherry Hill Water District and Bright Acres Water District

Councilwoman Hendrick moved to authorize the Supervisor to sign license agreement with Johnson Route 28, LLC and Johnson Automotive Management, LLC to allow the construction of a temporary water line connecting the Cherry Hill Water District and Bright Acres Water District
2nd by Councilman Kitchen
Four Ayes – Councilman Morrow was absent

Resolution for the approval of Water Rates for the Cherry Hill Water District and Out of District Water Sales

Councilman Kitchen moved to approve the following:
RESOLUTION TO INCREASE WATER RATES FOR BRIGHT ACRES WATER DISTRICT

WHEREAS, Town of Ulster Water Superintendent Paul Vogt reports that the Bright Acres Water District water supply is at a severe shortage; and

WHEREAS, the Town of Ulster can remedy this water shortage on an emergency basis by selling water from the Cherry Hill/Sawkill Road Water District to the Bright Acres Water District for a limited time; and

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WHEREAS, the Town of Ulster Town Board, pursuant to Town Law Section 198, has the authority to approve this temporary rate increase and inter-district sale of water, therefore

BE IT RESOLVED that Town of Ulster Water Superintendent Paul Vogt is granted the authority on a limited, emergency basis, to use the water supply of the Cherry Hill/Sawkill Road Water District for the use and benefit of the Bright Acres Water District, as a temporary, out-of-district user(s); and

BE IT FURTHER RESOLVED, that Bright Acres Water District customers shall pay \$3.00/1000 gallons, plus an additional ten (10%) percent as an out-of-district fee, for a net rate of \$3.30/1000 gallons; and

BE IT FURTHER RESOLVED, that Town of Ulster Water Superintendent Paul Vogt shall report to the Town of Ulster Town Board when the emergency use of the Cherry Hill/Sawkill Road Water District is no longer needed.

2nd by Councilwoman Hendrick
Four Ayes – Councilman Morrow was absent

Shared Services for Fuel Station

Councilman Kitchen moved to authorize the Town Supervisor to enter in agreement for shared service agreements for use of the town fuel station with the local fire departments.

2nd by Councilwoman Hendrick
Four Ayes – Councilman Morrow was absent

Vote on Local Law No. 6 of 2010 - A Local Law Providing for the Adoption of a New Chapter 131 of the Town Code [Peddling & Soliciting]

Councilman Brink moved to approve the following:

A Local Law Providing for the Adoption of a New Chapter 131 of the Town Code be it enacted by the Town Board of the Town of Ulster as follows:

Section I. Repeal of Current Chapter 131 of the Town Code

The current provisions of Chapter 131 of the Code of the Town of Ulster are hereby repealed.

Section II. A new Chapter 131 is hereby enacted as appears in Schedule “A” attached hereto.

Section III. Severability

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such

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judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

Section IV. Effective Date

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

SCHEDULE "A"

CHAPTER 131. PEDDLING AND SOLICITING

§ 131-1. Findings; intent.

A. The Town Board of the Town of Ulster finds that there has been an increase in the number of roadside peddlers selling their wares from vehicles on vacant and improved land adjacent to major roadways within the Town.

B. It is necessary and proper, pursuant to the powers granted unto the Town of Ulster by virtue of Town Law § 136, to regulate the practice of peddling. It is the intent of this chapter to regulate peddling and soliciting in the Town of Ulster, and this chapter is enacted pursuant to Town Law § 136.

§ 131-2. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them:

ESTABLISHED PLACE OF BUSINESS

A building or store in which a person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits.

HAWKER and PEDDLER - Includes any person, either principal or agent, who from any vehicle or any public street or public place or by going from house to house, on foot or on or from a vehicle, sells or barter or offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise.

PUBLIC GROUNDS - Lands in addition to Town rights-of-way owned by the Town of Ulster and used for public purposes, such as parks and recreation areas.

PUBLIC WAY - Any publicly owned land adjacent to and abutting any public street, road or highway.

SOLICITOR - Includes any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise.

SPECIAL PERMIT - A permit issued by the Town Clerk subject to the terms and conditions of this chapter for the sale of food and drink items from a vehicle parked on public grounds.

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VEHICLE - Includes any automobile, truck, wagon or cart, either propelled by hand, motor power or animals, or any other means of transportation of commodities or locomotion.

§ 131-3. Exempt sales.

The provisions of this chapter shall not apply to political, charitable, or not-for-profit organizations involved in activities covered by this statute, and shall not apply to peddling of meats, fish, fruits or farm produce, except hay and straw by farmers and persons who produce such commodities. This exemption shall apply to farmers and producers thereof or his or her servants or employees and shall not be construed to include other persons who buy goods for resale.

§ 131-4. Veteran's license exemption.

Any honorably discharged veteran of the armed services of the United States who has obtained a veteran's license from the Ulster County Clerk, under § 32 of the General Business Law, to hawk, peddle, vend or solicit trade on the streets and highways within the County of Ulster shall be exempt from the provisions of § 131-8 of this chapter. Upon approval of the veteran's application, the Town Clerk will issue the license to said veteran to ply his or her trade in the Town of Ulster, subject to all other provisions of this chapter. However, said individual will need a special permit as herein required; provided, however any honorably discharged veteran is exempt for paying any fee under this chapter.

§ 131-5. License required.

A. It shall be unlawful for any person, except as exempted herein, to peddle within the Town of Ulster without first having obtained a license from the Town Clerk as hereinafter provided for each vehicle, and it shall be unlawful for an individual to peddle on public grounds without a special permit for each vehicle from the Town Clerk in addition to said license.

B. The applicant shall submit and maintain a current list of drivers of said vehicles.

§ 131-6. License and special permit application requirements.

A. Applicants for a license and a special permit to peddle or a renewal thereof shall file with the Town Clerk a verified application, in duplicate, upon a form supplied by the Town Clerk, which shall contain the following:

- (1) The name, address and telephone number of the applicant.
- (2) The applicant's place of residence for the past five years.
- (3) The applicant's business or employer for the past five years.
- (4) The applicant's age, height, weight, color of eyes, color of hair and place of birth.
- (5) Two full-face photographs of the applicant taken within 30 days of the application and measuring at least 1 1/2 inches by 1 1/2 inches.
- (6) [Reserved]

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- (7) Whether or not the applicant has ever been convicted of a felony, misdemeanor or violation of any municipal ordinance, except traffic violations, and if so, the date, court, ordinance violated and sentence of the court.
- (8) Whether the applicant has been previously licensed in any occupation, and if so, when, where and for what periods, and if such previous license was ever revoked, the date of revocation and the reason therefor.
- (9) The name and address of the person, firm or corporation the applicant represents or is employed by.
- (10) The particular business, trade or occupation for which the license is requested, including a brief description of the nature of the business and the kind of goods or property to be peddled or solicited.
- (11) The manner or means of conveyance in which said business or trade or occupation shall be conducted.
- (12) If the application is for a license to handle food in any form, the applicant shall submit a valid permit issued by the Ulster County Health Department indicating compliance with the provisions of the Ulster County Public Health Regulations.
- (13) If the applicant requires the use of weighing and/or measuring devices, such application shall be accompanied by a certificate, not more than six months old, from the County Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.
- (14) If the application involves use of a vehicle, proof of a valid state motor vehicle registration for the vehicle to be used.
- (15) If the application involves the use of a vehicle, proof that the applicant holds a valid state driver's license.
- (16) Proof that applicant holds a New York State sales tax identification number.

B. In the event that any other license or permit shall be required by any other governmental agency in connection with the applicant's business, the same shall be produced by the applicant and the Town Clerk shall duly note the same.

C. Any change in circumstances with regard to the information provided in the application or on the license shall be reported to the Town Clerk within 30 days.

D. The applicant must submit proof that the vehicle subject to the license and or permit is covered by a current liability insurance policy as required by New York State Law which shall be attached to the application in the form of a current copy of insurance policy or certificate of insurance. Applicants who receive a license and or special permit as described in this chapter shall be subject to the directions and restrictions imposed by the individual in charge of the event, if any, taking place on the public grounds as herein defined. Applicant shall also have and provide proof of commercial auto insurance in the minimum sum of \$20,000.

E. The license and special permit as described herein shall be issued as applications are received and shall be valid for one calendar year. It shall be the licensee and/or permittee's responsibility to renew his or her license or permit once expired. The Town shall not be obligated to send out reminder notices or renewal forms.

§ 131-7. Application procedure.

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A. The application, accompanied by all required information and a nonrefundable application fee, in the amount as set by the Town Clerk and/or the Town Board. Fees shall be submitted to the Town Clerk.

B. Upon receipt of such application, the Town Clerk shall refer the same to the Town of Ulster Police Department for such investigation of the applicant to be made as it deems necessary for the protection of the public good.

C. If such investigation should prove the applicant to have been convicted of a misdemeanor or felony, the Police Department shall attach to the application a copy of the applicant's conviction record and shall return the application to the Town Clerk.

D. If, as a result of such investigation of the applicant, no police record is found, the Police Department shall attach a statement to the application that it has no police record of the applicant and shall return the application to the Town Clerk.

E. The Town Clerk may refuse to issue the license or special permit if, in the judgment of the Town Clerk, either the convictions render the applicant unfit or undesirable to carry on the trade or occupation involved or the applicant shall be an undesirable person or incapable of properly conducting the trade or business involved.

F. Any applicant who has been denied a license or special permit under Subsection E may apply to the Town Board at its next regular meeting for a review of such denial by the Town Clerk. In the event that the Town Board, after formal review thereof, approves the license or special permit, the application shall be returned to the Town Clerk, who, upon payment of the prescribed license fee by the applicant, shall proceed to issue the peddler's license.

G. Such license shall contain the following:

- (1) The name, address and photograph of the licensee.
- (2) The kind of goods to be peddled or solicited there under.
- (3) The amount of fee paid.
- (4) The peddler's license number.
- (5) The date of issuance and the date of expiration of such license.
- (6) The type of license (i.e., on foot or by vehicle).
- (7) The state license plate number of the vehicle if for a vehicular permit.
- (8) The seal of the Town of Ulster.
- (9) The signature of the Town Clerk.

H. The Town Clerk shall keep a record of all licenses issued, and a list of such licensed peddlers shall be filed with the Town Police Department.

I. The applicant for either a license or special permit by virtue for the application for said license or permit does expressly authorize the Town Clerk's Office to do a background check including but not limited to his or her driving record and other background material.

§ 131-8. License fees; expiration.

- A. There shall be a nonrefundable application fee in the amount as set by the Town Clerk and/or Town Board. If the application is approved, the peddler's license fee shall be in the amount as provided by the Town Clerk and/or the Town Board.
- B. All licenses issued pursuant to this chapter shall be issued annually and shall expire on the last day of December next succeeding the date of issuance.
- C. The annual fees herein provided shall be assessed on a yearly basis, and no annual fee shall be prorated or rebated.

§ 131-9. License production and display.

- A. Each licensee shall carry on his or her person all licenses or special permits issued by the Town Clerk at all times that the licensee is engaged in peddling and shall exhibit the same to any Town official or police officer upon request.
- B. If a peddler's license or special permit is lost or stolen, such shall be reported to the Town Clerk within 10 days. Upon such notification, the Town Clerk shall issue a replacement peddler's license at a cost to the licensee.
- C. Each vehicle shall display the license and/or permit issued by the Town Clerk on its windshield, rear bumper or front bumper in a location totally and readily visible to any member of the public, and a failure to do so shall constitute a violation of this section.

§ 131-10. Nontransferability of license.

No license or special permit issued under the provisions of this chapter may be used or displayed at any time by any person other than the person whose name and picture appear on the license.

§ 131-11. Peddling restrictions.

A. Restricted and prohibited locations:

(1) Pursuant to §§ 1157(c) and 1800 of the New York State Vehicle and Traffic Law, no pedestrian shall occupy any part of a state highway in any manner for the purpose of selling or soliciting, except a veteran holding a peddler's license under §§ 32 and 35 of the General Business Law.

(2) In the interest of public safety and due to traffic hazards caused by stopping of motor vehicles and traffic congestion on certain highways in the Town of Ulster during the hours set forth herein, no person shall park any vehicle, cart, wagon or trailer between the hours of 7:00 a.m. and 7:00 p.m. along and upon the state and county roads listed below in the Town of Ulster or within 200 feet from the point where any listed road intersects any other road or highway for the purpose of peddling:

(a) [reserved]

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(3) It shall be unlawful for any peddler or solicitor to peddle, vend or sell his or her goods or wares within 250 feet of any church or place of worship during services or any place occupied as a public or private school or college or for school or college purposes while in session, nor shall he or she permit his or her cart, wagon or vehicle to stand on any public highway within said distance of any such school or college property while in session.

(4) No peddler who is licensed by the Town to sell from a vehicle shall peddle on privately owned lands unless specifically authorized by the Town Board to do so for an event such as a flea market, carnival, circus, community day or any similar activity. Peddling from a vehicle shall only be permitted along the public way.

(5) It shall be unlawful for any peddler or solicitor in plying his or her trade to enter upon any premises or property, or to ring the doorbell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words, "No peddlers, no solicitors, no agents," or other wording the purpose of which purports to prohibit peddling or soliciting on the premises.

(6) It shall be unlawful for any peddler or solicitor in plying his or her trade to enter property on which there exists an apartment complex, a mobile home park or a shopping complex to solicit on foot without the permission of the owner of such property to do so.

B. Use of signs and displays:

(1) It shall be lawful for peddlers to use signs which are painted on or affixed to a peddler's vehicle, provided the same do not exceed the dimensions of the vehicle on which they are placed and such vehicle can be driven with the sign affixed. Such permitted signs shall be exempt from the provisions of this chapter. The use of other movable, portable and/or freestanding signs by peddlers is prohibited.

(2) No peddler shall display merchandise or goods for sale other than on his or her person or in the vehicle for which he or she is licensed pursuant to this chapter. Displays of merchandise on the ground or on movable structures or stands outside the peddler's vehicle are prohibited. Use of tables, seats or any freestanding counter is prohibited.

(3) Only one awning or umbrella which is mounted on a vehicle licensed pursuant to this chapter is permitted per vehicle.

C. Other peddling restrictions. It shall be unlawful for any peddler licensed pursuant to this chapter to stand or allow or permit the vehicle used by him or her to stand in any one public place for more than four hours. After four hours in any one public place, said peddler must move his or her vehicle a distance of not less than 500 feet from said place. This restriction shall not apply to peddlers or vendors who are participating in a one-day or two-day special event sanctioned by the Town Board.

D. Occupying public ways or grounds. No person shall store commercial vehicles on public streets or public grounds if such vehicles are, at the time of storage, being held out for sale, lease, rent or loan to the general public.

E. Locating near established places of business. It shall be unlawful for any peddler licensed pursuant to this chapter to peddle, vend or sell his or her goods or wares within 500 feet of any established place of business selling like or similar items for similar uses or consumption. A like or similar item or use shall be judged by the consumer market for which it is offered for sale. This restriction shall not apply to flea markets, carnivals, circuses, community days or other similar activities.

F. No person shall park a commercial vehicle on public grounds for the purpose of selling merchandise, foods, drinks or any other type of commodity without a license under § 131-5, and without special permit from the Town Clerk for the utilization of public grounds.

§ 131-12. Enforcement.

It shall be the duty of any police officer of the Town of Ulster to require any person seen peddling or soliciting on public streets, rights-of-way or public grounds to produce a copy of the license required under the provisions of this Code and the special permit necessary for sale of goods on public grounds and to enforce the provisions of this chapter against any person violating the same.

§ 131-13. Revocation of license.

A. Special permits or licenses issued under the provisions of this chapter may be revoked by the Town Board of the Town of Ulster, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on business as a peddler.
- (3) Any violation of this chapter.
- (4) Conviction for any crime or misdemeanor involving moral turpitude.
- (5) Conviction for a felony or misdemeanor, which misdemeanor or felony, in the judgment of the Town Board, renders the applicant unfit or undesirable.
- (6) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (7) Upon the recommendation of the Ulster County Department of Health that the sale of food or food products or other edibles is being conducted under unsanitary conditions or that there is a violation of law, regulation, code or ordinance cited by the Ulster County Department of Health.

B. Notice of the hearing for revocation of a license shall be given by the Town Clerk, in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her last known address at least 10 days prior to the date set for hearing.

C. The Town Clerk, upon receiving information giving him or her reasonable cause to believe that the holder of any license or special permit hereunder has violated any provisions of this chapter or has been convicted of any violation referred to in this section or convicted of any crime or misdemeanor herein, may temporarily suspend such license, after notice and hearing.

§ 131-14. Penalties for offenses.

A. Any person violating any provision of this chapter shall be guilty of a violation and shall be punishable by a fine of not more than \$1,000 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.

B. In addition to any other remedies set forth herein authorizing the Town to enforce the provisions of this chapter, establishing penalties, and setting forth additional remedies, the person charged with the responsibility to enforce the provisions of this chapter may impose a civil fine or agree to a civil fine not to exceed \$1,000 per day for each day of the violation. If said civil fine is imposed, then the alleged violator may appeal to the Town Board

2nd by Councilwoman Hendrick
Four Ayes – Councilman Morrow was absent

Councilman Kitchen moved to approve the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF COMPUTER EQUIPMENT
AT STATE BID PRICE**

WHEREAS, the Town of Ulster currently maintains its books and records on a single user IBM AS400 that is over ten (10) years old, and is in a non-Windows based operating environment, and

WHEREAS, an upgraded server and network will increase the flow of information and allow other departments within the Town of Ulster access to the financial and accounting information maintained by the new system; and

WHEREAS, an upgraded server and network will internalize the processing of payroll which is currently outsourced to ADP with a budget line item of \$20,000.00; and

WHEREAS, the estimated cost of the new server and network, with associated setup costs, are as follows:

1. New Server and Desktops: \$10,000.00
 2. New Software - Time Purchase: \$17,772.28
 3. Travel for Setup: \$2,000.00
 4. Annual Software License: \$5,320.00
 5. Payroll Supplies \$2,500.00
- Total Cost: \$37,592.28

THEREFORE, BE IT RESOLVED, the Town of Ulster Town Board does hereby authorize purchase of aforementioned computer equipment at the State Bid price of \$27,772.28, and an additional license fee and setup charges of \$9,820.00, for full cost of \$37,592.28, and be it further

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RESOLVED, that the Town of Ulster Supervisor is hereby authorized to take such actions as he deem necessary or appropriate to complete the purchase of said equipment.

2nd by Councilwoman Hendrick

A Roll Call Vote was taken - Four Ayes – Councilman Morrow was absent

Public Hearing for proposed Kayak Park

Supervisor Quigley opened the public hearing for the proposed Kayak Park near the Town Hall at 7:15 PM

James Maloney, Town Assessor and County Legislator, made a presentation to the Town Board proposing a "Kayak Park" be developed on a Mulvin Drive parcel adjacent to the Town Hall. This vacant parcel is one of several in the Town of Ulster that participated in the Flood Mitigation Program. The Town of Ulster has frontage on approximately 10 miles of the Esopus Creek. The proposed "Kayak Park" would consist of a small handicap accessible park with picnic tables, benches and a dock to allow the public access to 6 miles of quiet, flat water paddling on the Esopus Creek. The dock would be suitable for launching kayaks or canoes only. The Town would seek a grant once it receives the property to cover the costs of the dock. The yearly maintenance would be minimal (\$.38 a year to the average homeowner).

Councilman Brink expressed concern about there being no parking or bathrooms on the premise.

Public Comment

Mr. Robert Barton wanted the information presented by Mr. Maloney to be made available to the public. He expressed concern about the cost of the park. He was not in favor of the park.

Mrs. Rosalind Stark feels restrooms are required to be installed in the park.

Mr. Bill Hayman expressed concern about the additional water traffic that would disturb wildlife and tranquility of his property along the Esopus. He further expressed concern about the hours of operation and the expansion of use of the park to motor boats and other heavier uses. He was not in favor of the park.

Mr. James McCausland spoke in favor of the park as kayaking is a quiet form of exercise and the cost for the park is minimal. He suggested that the park be installed into stages rather than paying for a large park upfront.

Mr. Larry Winkler inquired as to the cost of maintaining the proposed park. He also inquired how far someone would have to carry their boat. He expressed concern about the park being an after hours lovers lane for teenagers.

Mr. Maloney stated that it would cost around \$35,000 and it would be around 150 ft. to carry a kayak. Supervisor Quigley stated that it would be difficult to enter the Esopus from the property in the current condition.

Mr. Tom Malvil stated that he was in favor of the park. He feels that the business within the town would prosper.

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Mr. Richard Metzger spoke in favor of people visiting Rider Park to kayak and suggested that the money used for the proposed park be invested in Rider Park.

Mr. Chris Clausi was not in favor of the location as the road gets congested when people park along it. He suggested the Orlando Street Park.

Mr. Robert Crane was in favor of the kayak park as there are no public access points to the Esopus.

Mrs. Susan Miggins inquired if handicap people access Rider Park. She expressed concern about the parking and the distance in carrying a kayak to the park. She feels that there may be a better location.

Mr. Richard Metzger stated that he has never seen any handicap people access the dock, but he believes it is accessible. He noted that the Esopus is full of trees in the water.

Mr. Tom Malvil stated that there are a variety of kayaks. The Esopus is a great place for beginner kayakers. If you look elsewhere, no one has problems with kayakers.

Mr. Nelson White was not in favor of disturbing the neighborhood with additional traffic.

Mr. Renno Budziak spoke in favor of opening the Esopus to the public.

Mrs. Mary McNamara spoke in favor of the proposed park as it allows for the perfect reusing of land that was purchased to remove homes from the flood way.

Mr. Chris Clausi expressed interest in purchasing the land and honoring the agreements set by FEMA.

Councilman Kitchen motioned to recess the meeting until September 16, 2010 at 7:15 PM
2nd by Councilman Brink
Four Ayes – Councilman Morrow was absent

Public Hearing for KIA expansion

Supervisor Quigley opened the public hearing for the Prestige KIA Auto Dealership who is seeking approval to construct a 16,950 square foot addition to an existing building located at 400-416 Neighborhood Drive at 8:10 PM

Nadine Carney, a representative for the Prestige Dealership gave an overview of the project. The parcels will be combined through a lot-line deletion. The truck driving school parking area will be demolished and that area will be redeveloped to include the expansion of the building. The combined parcels will be 2.9 acres and reduce the numbers of entrances from three to two.

Mr. Renno Budziak, the Planning Board Chairperson, stated that they looked at traffic flow and feels that traffic circulation is good for traffic safety along Old Neighborhood Road and Clark's Drive and within the site. The storm water drainage system is also updated. The applicant is

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actually going to expend a substantial amount of money in terms of surface water retention. There are underground retention tanks that will be put in on the northwestern portion of the property.

Councilman Brink noted that the building planned for demolition was previously a factory for baseball bats used in the major leagues.

Public Comment

Mr. James McCausland inquired if the Town could do something with NYS DOT to resolve the traffic problems along the Route 209 exit near that area.

Supervisor Quigley stated that there are several long-terms in place in the surrounding area to address that issue such as the redevelopment of the Tech City area connecting their road to Old Neighborhood Road.

Councilman Kitchen moved to close the hearing at 8:28 PM

2nd by Councilwoman Hendrick

Four Ayes – Councilman Morrow was absent

Councilman Brink moved to approve the following:

**RESOLUTION
TOWN OF ULSTER TOWN BOARD**

**Site Plan Approval
JBCR, LLC dba Prestige KIA Auto Dealership
Section-Block-Lot: 48.007-1-14.1 & 14.2**

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *JBCR, LLC dba Prestige KIA Auto Dealership* for Site Plan Approval to construct a 16,950 square-foot (SF) addition to an existing 2,960 Prestige KIA Auto Dealership located on the northwest corner of Old Neighborhood Drive and NYS Route 9W; and

WHEREAS, materials submitted in support of the proposed action include:

- *Project Narrative for Prestige KIA* prepared by Brinnier & Larios, PC dated 5/1/2010;
- *Site Plan Review Application* prepared by Nadine Carney, Project Engineer dated 5/1/10;
- *Site Plan Consent Form* signed by Charles M. Roszko of JBCR, LLC dated 5-1-10;
- *SEQRA Full EAF Part 1* prepared by Nadine Carney, P.E dated May 1, 2010;
- *Proposed Lot Line Deletion Plan* prepared by Brinnier & Larios, PC dated March 2010;
- *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC dated March 2010;
- *Proposed Site Improvements* prepared by Brinnier & Larios, PC dated March 2010;
- *Proposed Redevelopment Plan* prepared by Brinnier & Larios, PC dated March 2010;
- *Proposed Grading & Drainage* prepared by Brinnier & Larios, PC dated March 2010;
- *Proposed Lighting Plan* prepared by Brinnier & Larios, PC dated March 2010;
- *Proposed Site Details* prepared by Brinnier & Larios, PC dated March 2010;
- *Soil, Erosion & Sediment Control Plan* prepared by B&L, PC dated March 2010;
- *Conceptual Floor Plan and Elevations* prepared by Robert J. Dupont R.A., dated 11/15/09.

- *Project Narrative for Prestige KIA* prepared by Brinnier & Larios, PC revised 5/17/2010;
- *Proposed Lot Line Deletion Plan* prepared by Brinnier & Larios, PC revised 6/1/10;

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- *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC revised 6/1/10;
 - *Proposed Site Improvements* prepared by Brinnier & Larios, PC revised 6/1/10;
 - *Proposed Redevelopment Plan* prepared by Brinnier & Larios, PC revised 6/1/10;
 - *Proposed Grading & Drainage* prepared by Brinnier & Larios, PC revised 6/1/10;
 - *Stormtech Details* prepared by Brinnier & Larios, PC dated May 2010, revised 6/1/10;
 - *Proposed Landscape & Lighting Plan* prepared by Brinnier & Larios, PC revised 6/1/10;
 - *Proposed Site Details* prepared by Brinnier & Larios, PC dated March 2010, revised 6/1/10;
 - *Soil, Erosion & Sediment Control Plan* prepared by B&L, PC dated March 2010; revised 6/1/10; and
 - *Copy of Zoning Board of Appeals Notice of Decision for Sign* dated March 3, 2010.
-
- *Project Narrative for Prestige KIA* prepared by Brinnier & Larios, PC dated 6/15/2010;
 - *Proposed Lot Line Deletion Plan* prepared by Brinnier & Larios, PC revised 6/15/10;
 - *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC revised 6/15/10;
 - *Proposed Site Improvements* prepared by Brinnier & Larios, PC revised 6/15/10;
 - *Proposed Redevelopment Plan* prepared by Brinnier & Larios, PC revised 6/15/10;
 - *Proposed Grading & Drainage* prepared by Brinnier & Larios, PC revised 6/15/10;
 - *Stormtech Details* prepared by Brinnier & Larios, PC dated May 2010, revised 6/15/10;
 - *Proposed Landscape & Lighting Plan* prepared by Brinnier & Larios, PC revised 6/15/10;
 - *Proposed Site Details* by Brinnier & Larios, PC dated March 2010, revised 6/15/10;
 - *Soil, Erosion & Sediment Control Plan* prepared by B&L, PC dated March 2010; revised 6/1/10; revised 6/15/2010; and
-
- *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC revised 7/15/10;
 - *Proposed Site Improvements* prepared by Brinnier & Larios, PC revised 7/15/10;
 - *Proposed Redevelopment Plan* prepared by Brinnier & Larios, PC revised 7/15/10;
 - *Proposed Grading & Drainage* prepared by Brinnier & Larios, PC revised 7/15/10; 7/20/10
 - *Stormtech Details* prepared by Brinnier & Larios, PC dated May 2010, revised 7/15/10;
 - *Proposed Landscape & Lighting Plan* prepared by Brinnier & Larios, PC revised 7/15/10;
 - *Proposed Site Details* by Brinnier & Larios, PC dated March 2010, revised 7/15/10;
 - *Soil, Erosion & Sediment Control Plan* prepared by B&L, PC dated March 2010; revised 7/1/10;
 - *Ulster County Planning Board NYS GML Section 239 l, m correspondence* dated 7/7/10.

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form) found that the Proposed Action involving a Lot Line Adjustment combining two (2) lots and Site Plan Amendment Approval would not have an adverse impact on the environment; as Lead Agency made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQRA at its June 22, 2010 public meeting.

WHEREAS, the Town of Ulster Planning Board subsequently approved the Lot Line Adjustment on June 22, 2010 while continuing its review of the Site Plan Amendment Application by Prestige KIA; and

WHEREAS, the Town of Ulster Planning Board - after review of the entire record - recommended the override of the following Ulster County Planning Board required modifications:

1. "All parking is required to be delineated complete with curb islands and landscaping - including vehicle display area"[parking space are delineated, but for general vehicle display area].

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2. All parking to meet standards of newly adopted off-street parking law [since Local Law not yet adopted at time of application and number of off-street spaces provided meets new standard].
3. "The service entrance is required to line up with John Clark Drive to improve traffic safety at the Old Neighborhood Road/John Clark Drive intersection" [already approved by Highway Superintendent].

WHEREAS, the Town of Ulster Planning Board - after review of the entire record - recommended approval of the Proposed Action subject to the following conditions:

1. Final acceptance of the Town of Ulster Water and Sewer Departments;
2. Recommendation of acceptance of the SWPPP by Praetorius and Conrad, P.C.;
3. Filing of Memorandum of Understanding for sidewalks with the Building Department; and
4. Escrow account paid in full.

NOW THEREFORE BE IT RESOLVED that the Town of Ulster Town Board hereby overrides the Ulster County Planning Board's required modifications as listed above; and

FURTHER BE IT RESOLVED, the application by - *JBCR, LLC dba Prestige KIA Auto Dealership* - to construct a 16,950 square-foot (SF) addition to an existing 2,960 Prestige KIA Auto Dealership is granted, subject to the conditions, limitations and restrictions set forth below.

1. Final acceptance of the Town of Ulster Water and Sewer Departments;
2. Recommendation of acceptance of the SWPPP by Praetorius and Conrad, P.C.;
3. Filing of Memorandum of Understanding for sidewalks with the Building Department; and
4. Escrow account paid in full.

2nd by Councilman Kitchen
Four Ayes – Councilman Morrow was absent

Public Hearing – A proposed local law for the temporary blocking of streets

Supervisor Quigley opened the public hearing for the proposed local law for the temporary blocking of streets at 8:28 PM

Town Attorney Jason Kovacs gave an overview of the proposed local law. The town occasionally gets requests to close town roads for events and this proposed law offers the Highway Superintendent the powers to do so.

Councilwoman Hendrick inquired if any notification has to be given to the neighbors on the street or near by.

Town Attorney Jason Kovacs stated that it would be at the Highway Superintendant's discretion.

Councilman Kitchen moved to close the public hearing at 8:30 PM
2nd by Councilwoman Hendrick
Four Ayes – Councilman Morrow was absent

Councilman Kitchen moved to approve the following Local Law #7:

TEMPORARY BLOCKING OF STREETS

Section I. Purpose.

This chapter is adopted pursuant to the authority set forth in Town Law § 64, Subdivision 10-b. The purpose of this chapter is to provide for the temporary blocking of town streets, highways and roads in a safe manner to allow neighborhoods to have neighborhood block parties, celebrations, graduation parties, fire parades or other like events.

Section II. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARTY -- A neighborhood block party, celebration or event as provided in Town Law § 64, Subdivision 10-b, but shall not include a garage sale, yard sale, bazaar, rummage sale or other similar activity having the principal purpose as fundraising for an individual or organization, nor shall it include a political meeting or rally, carnival or theatrical or musical performances, such as rock concerts or similar events.

STREET -- A town street, highway or road.

Section III. Permit required; application.

1. Any person, before blocking or barricading a road in the Town of Ulster for purposes of holding a block party, celebration, graduation party, fire parade or other like event, shall obtain a permit from the Town Highway Superintendent.
2. The Superintendent of Highways shall be authorized to issue a permit for the temporary blocking of a street for the purpose of holding a party. Such permit shall allow the temporary blocking of a road on one (1) particular date only, and during a specified time period which shall be of a single duration. An application for such permit shall be filed with the Superintendent of Highways at least ten (10) days before the commencement of such party. Such application shall contain the following information:
 - (1) The name and address of applicant.
 - (2) The name of the street or streets and the description of the portions thereof to be blocked.
 - (3) A description of the specific party to be held.
 - (4) The date and the hours thereof.
3. The exact specific nature of the form of the permits shall be determined by the Superintendent of Highways.

Section IV. Determination of approval or disapproval of permit application.

The permit shall be granted by the Superintendent of Highways upon determining that the party is authorized by Town Law § 64, Subdivision 10-b, and this chapter. The permit shall be denied if the Superintendent finds that blocking the street or portion thereof on the date requested in the application will unduly interfere with the flow of vehicular traffic or upon determining that the

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party is not authorized under Town Law § 64, Subdivision 10-b, and this chapter. The Superintendent of Highways shall advise the applicant, in writing, of the reason for denial of the application. There will be no fee charged for the permit.

Section V. Duration of permit; time limitations.

A permit issued pursuant to this chapter shall be valid only for the date and hours specified thereon, which shall not be before 8:00 a.m. or after 11:00 p.m.

Section VI. Cleanup required.

The applicant shall be responsible for the removal of litter, debris and other materials from the street or portion thereof used for the party which is attributable to or caused by the party.

Section VII. Blocking of roads.

1. Prior to the commencement of the time for which the road is to be blocked, the Town Highway Superintendent shall cause the street or portion thereof to be blocked by devices of his choice to motor vehicles except authorized emergency or hazard vehicles, as the same are defined in the Vehicle and Traffic Law, and to provide detour signs for vehicular traffic. No other person shall in any manner block or place barricades in the road.

2. A street or portion thereof blocked off for a party shall not be obstructed by picnic tables and shall not be obstructed by other obstacles which cannot be readily moved to allow emergency or hazard vehicles to enter in response to an emergency.

3. The Town Highway Superintendent shall notify the Ulster County Sheriff's Department, New York State Troopers and appropriate Fire Company and Rescue Squad of the date and time of the road blocking at the time the permit is issued by telephone call followed by written confirmation.

Section VIII. Limitation on number of permits issued.

No more than two (2) permits shall be granted by the Town Highway Superintendent in any calendar year for the same neighborhood.

2nd by Councilman Brink

Four Ayes – Councilman Morrow was absent

General Public Comment

Mrs. Rosalind Stark requested an update in regard to the lawsuit to allow mining in Eddyville. Town Attorney Jason Kovacs stated that the town granted a one week extension to the plaintiff to submit a written argument. There will be no oral arguments. The town could expect a judge's decision sometime in November.

Mr. James Maloney requested a different date to reconvene the public hearing for the proposed Kayak Park as he may have a scheduling conflict.

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Mrs. Judy Abbott read a letter into the record (see exhibit "A").

Mr. James McCausland expressed concern about the fiscal condition of the town and wanted taxes to be reduced.

Mr. Steve Engelhardt requested that the Town FOIL policy be improved to allow people to review files within the town offices.

Town Clerk Cosenza thanked the Town Board for the network and financial software upgrade.

Mr. Renno Budziak requested that the Town upgrade the PA system so the audience can hear better.

The Town Supervisor requested that the Town Clerk look into this and also granted permission for the Town Planning Board to use the microphone system during their meetings.

Councilman Kitchen moved to enter into executive session for an update to the lawsuit allowing mining in Eddyville and for a personnel matter at 8:48 PM

2nd by Councilman Brink

All Ayes

Councilman Kitchen moved to exit executive session at 9:13 PM

2nd by Councilwoman Hendrick

All Ayes

Supervisor Quigley reported that there were no actions taken during executive session.

Councilman Kitchen motioned to adjourn the meeting at 9:14 PM

2nd by Councilwoman Hendrick

All Ayes

Respectfully submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk

2010 BUDGET MODIFICATIONS

August 19, 2010

General Fund:

Modify Appropriation A7140.401 (Recreation Equip.Reserves) to be funded through A5110 (Approp.Reserve-Softball League) electric, Orlando St.	292.91
Modify Appropriation A7140.401 (Recreation Equip.Reserves) to be funded through A5110 (Approp.Reserve-Softball League) water bill, Orlando St.	10.00
Modify Revenue A2770 (Misc.Revenue) and Appropriation A3120.421 (Veh. Maint.) check from Debbie B. Figueroa, accident of 7/31/10, repair to canine unit hit by ATV	250.00
Modify Appropriation A7140.401 (Recreation Equip.Reserves) to be funded through A5110 (Approp.Reserve-Softball League)payment to Robert Bowers for field maintenance and gas for tractor for the month of July	60.00
Modify Appropriation A7140.401 (Recreation Equip.Reserves) to be funded through A5110 (Approp.Reserve-Softball League)payment to Herzog for dump cart and delivery charge	104.99
Modify Revenue A2705 (Gifts&Donations) and Appropriation A2989.400 (DARE Program) grant from Target for DARE Program	1,500.00
Modify Appropriation A7140.401 (Recreation Equip.Reserves) to be funded through A5110 (Approp.Reserve-Softball League)payment to Robert Bowers-Aug. 3rd field maintenance	50.00
Modify Appropriation A7140.401 (Recreation Equip.Reserves) to be funded through A5110 (Approp.Reserve-Softball League)payment to Ronald Kelder-May 4-July 20 field maintenance and gas for tractor	540.32
Modify Appropriation A7140.401 (Recreation Equip.Reserves) to be funded through A5110 (Approp.Reserve-Softball League) electric, Orlando St.	311.79
Modify Appropriation A7140.401 (Recreation Equip.Reserves) to be funded through A5110 (Approp.Reserve-Softball League) softballs and scorebook from Anaconda Sports	448.00

2010
BUDGET MODIFICATIONS

August 19, 2010

Transfer From:

Transfer To:

Drainage Projects:

HDR-5110.200 Construction
HDR-5110.200 Construction

HDR-9950.900 Interfund Transfer
HDR-9950.900 Interfund Transfer

25,709.98
37,749.72

Ulster Water Fund:

Modify Appropriation SW1-1940.400 (Land Purchase) to be funded
through SW1-5990 (Approp.Fund Bal.) surveying services of Tim
Mauro Property

1,417.50

SAVE NATIVE SITES

Protecting Indigenous History in Ulster County

www.savenativesites.com



Fire Council

Judy Abbott,
Munsee
Judith Boggess,
Anishanabe
Ruth Brown,
Munsee
Donna Coane,
Mohawk & Blackfoot
Deborah Higgins,
Ojibwa & Cree
Susan Higgins,
Ojibwa & Cree
Rose Schacter,
Mohican
Barbara Strurtecky,
Ojibwa & Cree
Henrietta Wise,
Shawnee

also
Drew Boggess
Bill Brown
Fred Stueding
Lois Vance
David Wise

August 19, 2010

Dear Supervisor Quigley and Members of the Town Board:

It is our understanding that the application by Mr. Larry Regan for development of the Ulster Manor Site in the town of Ulster has been withdrawn, and that a request has been made for the transfer of the SEQR review, approval and findings to the property owners. As members of Save Native Sites and as concerned citizens, we do respectfully request that the transfer include the provisions so graciously offered by Mr. Regan to preserve and protect the 29+ acres containing the sensitive archeological site, as well as the wetlands. In fact, we ask the Town of Ulster to fully consider the importance of preserving the entire ridge from south Kingston to Saugerties.

We have consulted with the Native Peoples who call this their homeland and this has given us a voice of unity. We appeal to the Town of Ulster to help raise the awareness of the full history of the town and beyond. We look forward to initiating a museum dedicated to **our** history and **our** culture, established for the purpose of preservation and education. We ask also that the artifacts that were found here **remain here**.

A realization is emerging that there is more to our local history than is espoused by our history books and museums. The rich Colonial era, so focused on in our communities, is but a small span of time in comparison with the pre-contact past. The past is the foundation of the future and now we find ourselves in the Town of Ulster at an opportune time when history can be fully told. We are grateful to the Town of Ulster for offering us a voice in our own history, a voice which has been silenced for the past 400 years.

Thank you,

Save Native Sites

Cc: Maurice Hinchey
Mike Hein
Scenic Hudson
Kingston Land Trust
Rob Sweeny
Friends of Historic Kingston